



## **A G E N D A**

### **General Plan/LCP Implementation Committee**

**October 22, 2008**

**3:30 p.m.**

**City Council Chambers**

1. Approve Action Minutes from October 15, 2008

Attachment No. 1

3:30-3:35pm

2. Draft Zoning Code Review

- Second Review of Inclusionary Housing Ch. 20.34
- Review No. 5 - Non-Residential Development Standards
- Review No. 6 - Transfer of Development Rights

Attachment No. 2

3:35-6:45pm

3. Items for Future Agenda

6:45- 6:55pm

4. Public Comments on non-agenda items

6:55-7:00pm

5. Adjourn to October 29, 2008

Attachments:

1. Draft Action Minutes for October 15, 2008
  2. Revised Inclusionary Housing Memo and Revised Ordinance, Draft Code Review No. 5 – Non-Residential Development Standards, Draft Code Review No. 6 – Transfer of Development Rights
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## **Attachment No. 1**

### **Draft Action Minutes**



# CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

## DRAFT ACTION MINUTES

Action Minutes of the General Plan/LCP Implementation Committee held at the City Council Chambers, City of Newport Beach, on **Wednesday, October 15, 2008**

### Members Present:

X	Ed Selich, Mayor, Chairman
X	Leslie Daigle, Mayor Pro Tem
X	Don Webb, Council Member
X	Barry Eaton, Planning Commissioner
X	Robert Hawkins, Planning Commissioner
X	Michael Toerge, Planning Commissioner

### Advisory Group Members Present:

X	Mark Cross
	Larry Frapwell
	William Guidero
X	Ian Harrison
	Brion Jeannette
X	Don Krotee
X	Todd Schooler
	Kevin Weeda
	Dennis Wood

### Staff Representatives:

X	Sharon Wood, Assistant City Manager
X	David Lepo, Planning Director
	Robin Clauson, City Attorney
X	James Campbell, Senior Planner
X	Gregg Ramirez, Senior Planner
X	Melinda Whelan, Assistant Planner

E = Excused Absence

### Committee Actions

1. **Agenda Item No. 1** – Approval of minutes of October 1, 2008 and October 8, 2008.

**Action:** Committee approved draft minutes.

**Vote:** Consensus

## 2. Agenda Item No. 2 - Zoning Code Re-write

### Action:

Staff gave a status report on bluff and canyon development regulations and gave a time frame of a two weeks as to when the section will be presented to the Committee.

The Committee reviewed comments prepared by Committee members Eaton and Hawkins regarding residential development standards of the draft code. The Committee and Advisory Members discussed and directed staff to:

- revise Section 20.30.050 subsection C.3. pg. 3-16 to adjust maximum width to 35 percent and add an exception for shed dormers that relaxes the roof pitch requirement
- revise Section 20.30.090 subsection A.b. pg. 3-23 to add a requirement that adequate turning radius for a gurney be provided to be approved by the Fire Department instead of providing the 4- foot side setback area to the primary entrance
- delete Section 20.52.030 subsection C. pg. 3-116
- flag pg. 3-118 under residential uses and go back to it at a later meeting to discuss revising minimum parking requirement for larger homes and creating a threshold of number of rooms or square footage that would require an additional enclosed parking space
- revise Section 20.52.040 Table 3-11 pg. 3-118 under senior housing create an additional subcategory: senior housing market rate units require 1.2 parking spaces per unit and senior affordable housing require 1 space per unit
- send back entire Section 20.30.080 starting on pg. 3-20 for revision because of concerns that it is too expansive and goes beyond the General Plan policy and becomes too regulatory, should be a more compact way to provide public view protection, possibly add caveat : "provided it is not detrimental to substantial property rights"
- revise Section 20.52.070 subsection C2. and C3.c. pg. 3-128 – will keep the same intent and create internal consistency
- create a section for In-lieu parking fees
- revise Section 20.30.050 subsection A.4.b. pg. 3-14 to have threshold of "Lots 40 feet and less in width"
- advisory members and staff will discuss the open space and third floor limitation requirements and will return to the Committee with a resolution
- delete Section 20.30.020 subsection A.6. pg. 3-6
- revise Section 20.30.040 subsection C. add language "or other conditions" after excavation/fill in e.g. list
- revise Section 20.30.050 subsection A.3.a. pg. 3-13 add description or definition of 8.67 (what is it?)

- revise Section 20.30.050 subsection C.9. pg. 3-17 – change provision to prohibit projection of solar equipment over 29 feet and 3 feet projection over flat roof and not above 29 feet of sloped roof
- flag for future discussion and revision Section 20.30.070 subsection D.1. and D.2. pg. 3-19
- flag for future discussion for the RM district in Corona Del Mar, revise calculation of maximum square footage to not count submerged lands
- flag for future discussion and possible revision of Section 20.52.090 subsection B.1.a. pg. 3-129 – look at on-street parking as an indicator that parking demand will be less than requirement
- advisory members and staff will discuss and present revision of Section 20.30.050 subsection C.2. to the Committee – need to update measurement standards also look at a provision for roof deck fireplace chimneys

The public provided comments to the Committee and staff regarding:

- parking in the sideyards, resident at 3600 Seashore concerned with neighbor parking in sideyard – staff and Committee do not see a revision to the draft code as the answer for the resident
- general comments on parking changes such as landscaping, size of stalls, a concern with applicability to existing facilities when will changes have to be made? what is trigger point? – staff pointed to nonconforming chapter which will be reviewed at future Committee meeting
- concern that City Standard drawings from Public Works Design Manual had been lifted and put in code – staff explained that goal is to put more information in one place to make it easier to find and work with and that the Public Works Director has reviewed parking standards of draft code
- the idea of the additional parking standards is to provide for coastal access and meet coastal zone requirements however in some cases the Coastal Commission has different parking standards than draft code and it seems that parking standards could become less stringent and more flexible when you are out of coastal zone – staff will look at this and is still working with the Coastal Commission
- Coastal Commission review of General Plan status – Coastal Commission is still reviewing CLUP Amendments and Zoning Code will follow

**Vote:** Consensus

### **3. Agenda Item No. 3 – Items for future agenda**

**Action:** None

**Vote: None**

**4. Agenda Item No. 4 – Public Comments on non-agenda items**

None

**Meeting Adjourned 6:15 p.m.**

## **Attachment No. 2**

Revised Inclusionary Housing Memo and  
Revised Ordinance, Draft Code Review No. 5 –  
Non-Residential Development Standards, Draft  
Code Review No. 6 – Transfer of Development  
Rights



# CITY OF NEWPORT BEACH

## PLANNING DEPARTMENT

**DATE:** October 22, 2008

**TO:** General Plan/LCP Implementation Committee

**FROM:** Jaime Murillo, Associate Planner

**SUBJECT:** Draft Inclusionary Housing Chapter – Chapter 20.34

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At the September 24, 2008, General Plan/LCP Implementation Committee meeting, the Committee discussed the three housing related chapters of the draft Zoning Code: Inclusionary Housing, Density Bonus and Conversion or Demolition of Affordable Housing in the Coastal Zone. In regards to the Inclusionary Housing chapter, the Committee directed staff to re-assess the affordability requirement percentages and make them more consistent with Housing Policy 2.2.1.

Section 20.34.030.A (Affordability Requirement) of the draft Code previously read as follows:

*All new residential development projects shall include the construction of the following percentage of the total number of dwelling units within the residential development project as restricted affordable units for rent/lease by very low- or low-income households:*

- a. 9 percent very low-income households; or
- b. 15 percent low-income households.

Housing Policy 2.2.1 of the General Plan states that it's the City's goal over the planning period for an average of 15 percent of all new housing units to be affordable to very low-, low- and moderate-income households. The Committee was particularly concerned that the Inclusionary Housing chapter was more restrictive than, and potentially inconsistent with, Housing Policy 2.2.1 as it did not include provisions for the construction of moderate-income housing.

Based on the Committee's direction, staff has revised Section 20.34.030.A to read as follows:

*All new residential development projects shall include the construction of the following percentage of the total number of dwelling units within the residential development project as affordable units restricted for occupancy by very low-, low- or moderate-income households:*

- a. 8.5 percent very low-income households; or
- b. 15 percent low-income households; or
- c. 21.5 percent moderate-income households.

#### Basis for Percentages

To fully implement Housing Policy 2.2.1, the City's inclusionary housing requirements must be crafted in such a way that creates an *average* of 15 percent of all new housing units as affordable. The term *average* suggests that some projects will provide less than 15 percent and other projects must provide more.

Staff believes a developer should have the option of providing affordable units for very low-, low-, or moderate-income households; however, it is imperative that an economic equivalency be established among these income levels, so that developers will not simply provide 15 percent of the units for moderate-income households (an income category that requires the least subsidy) and do not produce any housing affordable to low- and very-low income households.

Based on the analysis contained within the *Draft Technical Memorandum* dated October 7, 2008, prepared by Economic and Planning Systems (EPS), for the calculation of the City's affordable housing in-lieu fee, the revised percentages would essentially result in an equivalent financial impact on a residential development project. In other words, no matter which income level a developer chose to provide affordable units for, it would require the same construction subsidy to create those units and thereby eliminate any benefit of choosing one income category over another.

Income Level	Average Subsidy per Unit	Percentage of Units	In-Lieu fee per Market-Rate Unit
Very Low (rental)	\$234,000	8.5%	\$19,890
Low (rental)	\$133,000	15%	\$19,950
Moderate (For-sale)	\$92,000	21.5%	\$19,970
<b>Average</b>	<b>\$133,000</b>	<b>15%</b>	<b>\$19,900</b>

### Moderate-Income Condominiums

It must be noted that the economic equivalencies discussed above were based on the assumption that very low- and low-income units would be developed as rental units and the moderate-income units would be developed as owner-occupied units in the form of condominiums.

The economic equivalency was evaluated utilizing the subsidies necessary to develop moderate-income rental units; however, many of the market-rate apartments in the City are currently affordable to moderate-income households. Also, based on the calculations contained within EPS's memorandum, there is no subsidy required to construct moderate-income rental units, whereas moderate-income for-sale units require a subsidy of approximately \$92,000 per unit. As a result, moderate income rentals do not provide housing that is not already being provided by market forces and cannot also yield an equivalent benefit to the City (even a project that provided 100 percent moderate income rentals would not result in an implicit subsidy comparable to the subsidy attributable to 15 percent low income rental units). Therefore, the decision was made to calculate the moderate-income units as owner-occupied condominiums.

To be consistent with the 21.5 percent economic equivalency calculation, a new section (Sec. 20.34.030.B) was added to the draft Inclusionary Housing chapter requiring the following:

***Tenure of Affordable Units.** For moderate-income affordable units provided in compliance with this Chapter, the applicant shall sell the units at an affordable housing price. For all very low-income and low-income affordable units provided in compliance with this Chapter, the applicant shall rent the units at an affordable rent.*

### RHNA Fulfillment

Although staff believes a developer should have the option of providing affordable units for either very low-, low-, or moderate-income households, it is possible that the City's Regional Housing Needs Assessment (RHNA) construction need for a particular income category may eventually be fully satisfied. To assist in meeting the City's RHNA, the City should reserve the right to determine which income category must be provided if the RHNA construction needs have been met for one or both of the other income categories. Therefore, the following section (20.34.030.A.3) has been added granting the City the right to restrict the construction of units for a particular income category:

*The City reserves the right to restrict an applicant's ability to select the income category for which they intend to satisfy the affordability requirement when the City's Regional Housing Needs Assessment (RHNA) construction need has been met for one or more income categories.*

### Calculation of Units - Rounding

The Committee directed staff to revise the method of rounding when calculating the precise number of units required to be provided. Per the direction of the Committee, staff has revised the calculation procedures in the draft Code as follows:

#### **20.30.010 – Calculation of Units**

- A. *Time of determination.*** *The number of affordable units required for a residential development project shall be determined prior to tentative or parcel map approval, or for developments not processing a tentative or parcel map, prior to issuance of a Building Permit.*
- B. *Providing units.*** *To determine the number of units required when new affordable units are to be provided, any decimal fraction less than 0.50 shall be rounded down to the nearest whole number, and any decimal fraction greater than or equal to 0.50 shall be rounded up to the next whole number.*
- C. *In-lieu fee payment.*** *When a fee is being paid in lieu of providing affordable units, the in-lieu fee shall be paid for each market-rate unit within the residential development project.*
- D. *Minimum.*** *In no case shall the affordability requirement be zero.*

A complete copy of the revised Inclusionary Housing chapter is attached.

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## **Chapter 20.34 – Inclusionary Housing [New]**

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### **Sections:**

- 20.34.010 – Purpose
- 20.34.020 – Applicability.
- 20.34.030 – Regulations
- 20.34.040 – In Lieu Fees
- 20.34.050 - Calculation
- 20.34.060 – Affordable Housing Implementation Plan (AHIP)
- 20.34.070 – Alternatives to On-Site Construction
- 20.34.080 – Affordable Housing Agreement.
- 20.34.090 – Affordable Housing Trust Fund
- 20.34.100 – Adjustments, Waivers

### **20.34.010 – Purpose**

The purpose of this Chapter is to:

- A. Provide a balanced residential community comprised of a variety of housing types and opportunities for all social and economic segments, including very low-, low-, and moderate-income households;
- B. Promote the City's goal to add affordable housing units to the City's housing stock in proportion to the overall increase in new housing units;
- C. Offset the demand on housing that is created by residential development and mitigate environmental and other impacts that accompany residential development by protecting the economic diversity of the City's housing stock, reducing traffic, transit and related air quality impacts, promoting jobs/housing balance and reducing the demands placed on transportation infrastructure in the region; and
- D. Ensure that the limited remaining developable land in the City's planning area is utilized in a manner consistent with the Housing Element and the City's housing policies and needs.

### **20.34.020 – Applicability.**

Residential development projects that create a net increase in the total number of units shall comply with the requirements of this Chapter, unless granted an adjustment or waiver in compliance with Section 20.34.090 (Adjustments, Waivers).

### **20.34.030 – Regulations**

- A. **Affordability requirement.**
  - 1. All new residential development projects shall include the construction of the following percentage of the total number of dwelling units within the residential development project as affordable units restricted for occupancy by very low-, low- or moderate-income households:

- a. 8.5 percent very low-income households; or
    - b. 15 percent low-income households; or
    - c. 21.5 percent moderate-income households.
  2. The affordability requirement shall only apply to newly created residential units. In the event that the residential development project includes the demolition or conversion of existing residential units, except as provided in Chapter 20.36, the affordability requirement shall only apply to the additional units created.
  3. The City reserves the right to restrict an applicant's ability to select the income category for which they intend to satisfy the affordability requirement when the City's Regional Housing Needs Assessment (RHNA) has been met for one or more income categories.
- B. Tenure of Affordable Units.** For moderate-income affordable units provided in compliance with this Chapter, the applicant shall sell the units at an affordable housing price. For very low-income and low-income affordable units provided in compliance with this Chapter, the applicant shall rent the units at an affordable rent.
- C. Eligibility.**
1. Affordable units required to be replaced under the provisions of Chapter 20.36 (Conversion or Demolition of Affordable Housing in the Coastal Zone) shall not be eligible for meeting the number of affordable units required under the provisions of this Chapter.
  2. Affordable units provided under the provisions of Chapter 20.32 (Density Bonus) shall not be eligible for meeting the number of affordable units required under the provisions of this Chapter.
- D. Design and distribution of affordable units.**
1. Affordable units shall reflect the range of numbers of bedrooms provided in the residential development project as a whole for 1, 2, and 3 bedroom units. Units with 4 or more bedrooms are not required to be provided. Common facilities (e.g., laundry, recreation, etc.), construction quality, and exterior design of the affordable units shall be comparable to the market-rate units.
  2. Affordable units may be smaller and have different interior finishes and features than the market-rate units.
  3. Affordable units shall be dispersed throughout the residential development, unless clustering is allowed by the review authority.
- E. Duration of affordability requirement.** Affordable units required by this Chapter shall be legally restricted to occupancy by households of the income levels for which the affordable units were designated for a minimum of 30 years, or as provided in an approved Affordable Housing Implementation Plan (AHIP).

- F. **Timing.** Affordable units shall be provided and offered for occupancy concurrently with or prior to the occupancy of the market-rate units. For projects that are phased over time, affordable units shall be provided in the same proportion as the number of market-rate units in each phase of the project.

#### **20.34.040 – In Lieu Fees**

A. **General requirements.**

1. For residential development projects of 50 or fewer dwelling units, the requirements of this Chapter may be satisfied by paying a fee in lieu of providing all or a portion of the affordable units, unless otherwise provided by an approved AHIP.
2. For residential development projects of 51 dwelling units or more, the applicant may not pay a fee in lieu of constructing the required affordable units, unless otherwise provided by an approved AHIP.

- B. **Timing of payment.** Payment of the in lieu fee shall be made prior to the issuance of a Building Permit.

- C. **Amount of fee.** The amount of the in lieu fee shall be set by resolution of the Council.

#### **20.34.050 – Calculation of Units**

- A. **Time of determination.** The number of affordable units required for a residential development project shall be determined prior to tentative or parcel map approval, or for developments not processing a tentative or parcel map, prior to issuance of a Building Permit.
- B. **Providing units.** To determine the number of units required when new affordable units are to be provided, any decimal fraction less than 0.50 shall be rounded down to the nearest whole number, and any decimal fraction greater than or equal to 0.50 shall be rounded up to the next whole number.
- C. **In-lieu fee payment.** When a fee is being paid in lieu of providing affordable units, the in lieu fee shall be paid for each market-rate unit within the residential development project.
- D. **Minimum.** In no case shall the affordability requirement be zero.

#### **20.34.060 – Affordable Housing Implementation Plan (AHIP)**

A. **When required.**

1. Residential development projects of 51 dwelling units or more shall be required to submit an AHIP.
2. Residential development projects of 50 or fewer dwelling units shall have the option of submitting an AHIP or paying an in lieu fee.

- B. **Contents.** The AHIP shall contain the following information:

1. A description of the residential development, including the number of market rate and affordable units proposed, and the basis for the calculation of the number of required affordable units;
2. The income level(s) of the affordable units;
3. The unit mix, location, structure type, and size of the market rate units and affordable units,
4. A plan of how the applicant proposes to implement and promote the sale or rental of the affordable units to eligible households;
5. A phasing plan, if the applicant proposes a phased project, that provides for the timely development of the affordable units in compliance with Subsection 20.34.030.F (Timing);
6. Information necessary to establish compliance with criteria provided in Subsection 20.34.060.B (Land Dedication); and
7. Any additional information requested by the Department to assist in the evaluation of the AHIP.

**C. Approval.**

1. The applicable review authority for the project shall approve, conditionally approve, or deny the AHIP on the basis of the application, plans, materials, and testimony submitted.
2. If the AHIP proposes the dedication of land in compliance with Subsection 20.34.060.B (Land dedication) the Council shall be the final review authority. In these cases, the Commission shall first recommend and the Council shall approve, conditionally approve, or deny the AHIP.

**D. Appeal of review authority's decision.** The decision of the review authority may be appealed in compliance with Chapter 20.78 (Appeals).

**20.34.070 – Alternatives to On-Site Construction**

The following alternative means of compliance with this Chapter may be considered as part of an AHIP.

- A. **Off-site construction projects.** An applicant may propose to construct some or all of the affordable units required by this Chapter at a location not physically within the residential development project.
- B. **Land dedication.** An applicant may propose to dedicate land to the City or to a City-designated housing developer for the provision of affordable units in lieu of constructing some or all of the affordable units required by this Chapter. The dedicated land shall meet the following requirements:
  1. **Site suitability.**
    - a. The dedicated land shall be useable for its intended purpose and have the appropriate General Plan and zoning designation for the development

- of affordable housing, be free of toxic substances and contaminated soils, and be fully improved with infrastructure and adjacent utilities necessary to serve the project.
- b. Title to the dedicated land, or lease hold for the useful life of the housing improvements, shall be conveyed to the City or City-designated housing developer before a Building Permit is issued for any portion of the residential development project.
  - c. All property taxes, special taxes, fees, or other assessments shall be current before the title is conveyed.
  - d. The dedicated land shall be sufficient in size to construct the number of affordable units that the applicant would otherwise be required to construct.
2. **Land value.** The dedication shall have an equivalent or greater value than the in lieu fee that would be required to be paid under Section 20.34.040 (In Lieu Fees) if applied to the overall project. The process for determining the value of the land to be dedicated shall be as follows:
- a. The value of the land dedication shall be appraised by a certified appraiser selected by the City;
  - b. The applicant shall deposit with the City the costs associated with the appraisal as determined by the Director; and
  - c. The Director shall provide the applicant with a copy of the appraisal.
3. **Findings and decision.** The review authority may approve or conditionally approve, an AHIP that proposes alternative means of compliance with the requirements of this Chapter after first finding all of the following:
- a. The purpose of this Chapter would be served by the implementation of the proposed alternative;
  - b. The units provided are located within the City and are consistent with the requirements of this Chapter; and
  - c. It would not be feasible or practical to construct the units on-site.

### 20.34.080 – Affordable Housing Agreement.

An affordable housing agreement shall be executed in a recordable form prior to the issuance of a Building Permit for any portion of a residential development project subject to the requirements of this Chapter).

- A. **Contents.** Affordable housing agreements shall include the following where applicable;
- 1. A description of the residential development project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;

2. The number, size, and location of each affordable unit;
  3. Incentives provided by the City (if any) for density bonus;
  4. Procedures for tenant selection and the process for qualifying prospective households for income eligibility;
  5. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;
  6. Provisions for monitoring the ongoing affordability of the units;
  7. Security provisions (e.g., a cash deposit, bond, or letter of credit) as required by the review authority;
  8. Provisions for reporting the status for all units provided under the AHIP; and
  9. Provisions for the enforcement of the agreement.
- B. **Recording of agreement.** Affordable housing agreements in a form acceptable to the City Attorney shall be recorded against the owner-occupied affordable units and the projects containing rental affordable units. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents shall also be recorded against owner-occupied affordable units. In cases where the requirements of this Chapter are satisfied through the development of off-site units the affordable housing agreement shall simultaneously be recorded against the property where the off-site units are located.

#### **20.34.090 – Affordable Housing Trust Fund**

- A. **Trust fund.** The trust fund shall receive all in lieu fees received under Section 20.34.040 (In Lieu fees) and may also receive monies from other sources.
- B. **Purpose and limitations.** Monies deposited in the trust fund, together with any interest earnings, shall be used or committed solely to increase affordable housing opportunities for very low-, low-, and moderate-income households. Reasonable administrative charges or related expenses associated with the administration of this Chapter may be charged against the trust fund. Expenses may include reasonable consultant and legal expenses related to the establishment and/or administration of the trust fund and reasonable expenses for administering the process of calculating, collecting, and accounting for fees,
- C. **Expenditures.** Trust fund monies shall be used in compliance with the General Plan Housing Element and this Chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations or individuals to provide affordable housing. The trust fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of trust fund monies include:
1. Assistance to housing development corporations;
  2. Equity participation loans;
  3. Grants;

4. Pre-home ownership co-investment;
5. Predevelopment loan funds;
6. Participation leases;
7. Other public-private partnership arrangements;
8. The acquisition of property and property rights;
9. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation; and
10. Other costs associated with the construction or financing of affordable housing.

#### **20.34.100 – Adjustments, Waivers**

The Council may waive, wholly or partially, the requirements of this Chapter and approve alternative methods of compliance with this Chapter if the applicant demonstrates, and the Council finds that either:

- A. **Taking.** There is no reasonable relationship between the impact of a proposed development and the requirements of this Chapter and applying the requirements of this Chapter would take property in violation of the United States or California Constitutions; or
- B. **Special circumstances.** There are special circumstances unique to the residential development that justify the granting of an adjustment or waiver; the residential development would not be feasible without the modifications; a specific and financial hardship would occur if the modification was not granted; and no alternative means of compliance are available that would be effective in attaining the purpose of this Chapter than the relief requested.

**Draft Code Review Topic No. 5**  
**Non-Residential Standards**

**Chapters/Sections to be discussed at meeting: Non-Residential Standards found within Parts 2, 3 and 4 with a focus on the following standards and the relevant existing and new chapters.**

**1. Height**

- a. Existing Code: 20.65 – measured to midpoint of sloping roof
- b. New Code: Sections 20.20.030 Table 2-6 and Table 2-7 pgs. 2-23 thru 2-26, 20.22.030 Table 2-11 and Table 2-12 pgs. 2-35 thru 2-39, 20.24.030 Table 2-14 pg. 2-45, 20.26.030 pg. 2-50, 20.30.050 pg. 3-13 – measured to the roof peak or the top of a flat roof with a minimum 4:12 roof pitch above 24 feet

**2. Grade**

- a. Existing Code: within Ch. 20.65 – “natural grade”
- b. New Code: Section 20.30.040 pg. 3-10 – average grade for most lots

**3. Lighting**

- a. Existing Code: Sections 20.60.050
- b. New Code: Sections 20.30.060 pg. 3-18, 20.52.050 subsection D.4. pg. 3-125 - carries over existing provision with the addition of reducing illumination of adjacent properties

**4. Noise**

- a. Existing Code: none
- b. New Code: Section 20.30.070 pg. 3-19 – new noise standards including provisions for deliveries, loading and unloading operations and mitigation of impacts

**5. Buffering or Screening**

- a. Existing Code: Section 20.60.020 subsection F.
- b. New Code: 20.30.020 pg. 3-5 – added provisions for screening of outdoor storage/display, solid waste and screening between different zoning districts

**6. Landscaping**

- a. Existing Code: none
- b. New Code: Ch. 20.48 pg. 3-95

**7. Parking Requirements and Standards**

- a. Existing Code: Sections 20.66.020, 20.66.030, 20.66.050, 20.66.060, 20.66.070, 20.66.080, 20.66.090, 20.66.100, 20.66.110
- b. New Code: Sections 20.52.030 pg. 3-116, 20.52.040 pg. 3-117 Table 3-11 Non-Residential Uses, 20.52.050 pg. 3-121, 20.52.060 pg. 3-126, 20.52.080 pg. 3-128, 20.52.090 pg. 3-129, 20.52.100 pg. 3-131, 20.52.110 pg. 3-131 – majority carried over, new requirement for Food Service, parking space and lot dimension section added new landscaping provisions for parking lots

**8. Parking in-lieu fee**

- a. Existing Code: none
- b. New Code: will be added

**9. Transportation Demand Management (TDM)**

- a. Existing Code: Ch. 20.64
- b. New Code: Ch. 20.56 pg. 3-185 – mostly carried over from existing code except under Section 20.56.050 Site Development Requirements subsection H. Sidewalks added

**Draft Code Review Topic No. 6  
Transfer of Development Rights**

**Chapters/Sections to be discussed at meeting: Transfer of  
Development Rights Chapter 20.58.**

- 1. Transfer of Development Rights**
  - a. Existing Code: Section 20.63.080
  - b. New Code: Ch. 20.58 pg. 3-189 – multiple revisions including: City Council review and approval instead of Planning Commission, traffic (peak hour trip) analysis for all applications, land use intensity analysis, new residential transfer provision, transfers limited to same Statistical Area